

MOREY ORGANIZATION
I N C O R P O R A T E D

July 8, 1996

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20544

Re: Reply Comments for
MM-Docket # 96-120

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Jarad Broadcasting would like to file its comments on the Federal Communications Commission Notice of Proposed Rule Making adopted May 23, 1996 in the matter of Grandfathered Short Spaced FM Stations.

The Commission proposes to lift restrictions which unnecessarily impede flexibility as to site selection, and to substitute the currently ineffective interference showings that are now required.

Jarad Broadcasting strongly supports the pending proposal.

Grandfathered short spaced stations such as WLIR-FM, (FM channel 224 , Garden City, New York), are increasingly finding themselves unable to adequately cover their communities.

In FCC docket 88-375, the Commission took a major step in its efforts to afford the greatest amount of radio service to the American public. Docket 88-375 allowed Class A

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FM stations the least powerful and most numerous class of station, to increase their maximum power to 6000 watts.

Unfortunately, Docket 88-375 only allowed those Class A stations to increase power that met certain mileage separations in the Commission's existing Rules. WLIR being a Grandfathered short spaced facility, did not meet those requirements. This modest power increase that was allowed, created a whole new problem for WLIR, and all other Grandfathered short spaced Class A stations. they were now sub-standard Class A facilities.

What was a good idea, and modest relief for numerous Class A facilities did not help the stations that needed it most. This proposed Rule Making, Docket 96-120, would grant the relief that we urgently need.

We have found ourselves able to cover less of our service area with a quality signal. This is a result of not only urban and suburban expansion, but also increased building density, and over 16 Class B stations less than 15 miles away.

WLIR experiences interference in our 1.0 mV/m, primarily from 2 Grandfathered short spaced Class B stations on our second adjacent channels, (one Class B, WXRK is 13.61 miles and the other, WPAT, is 14.15 miles away). The 1.0 mV/m contour of WLIR is inside the 1.0 mV/m contour of WXRK and WPAT, so any move or modification by

WLIR would be prohibited because it would extend its 1.0 mV/m contour in the direction

of WPAT and WXRK. Removal of Second adjacent channel protection would afford WLIR the opportunity to take advantage of Docket 88-375

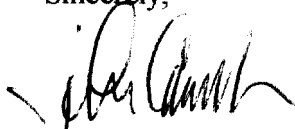
Prior to 1987, WLIR could have modified its facilities. In 1964 the Commission adopted provisions in Section 73.213 to govern facilities modifications of grandfathered stations. Subsequently in 1987, Section 73.213 was amended with a single paragraph that prescribes any changes in grandfathered stations which would extend the predicted distance of the 1.0mV/m contour towards the 1.0mV/m contour of shortspaced stations. Jarad Broadcasting took over WLIR in 1988, and was unable to modify the facility to maximize the service to the growing population.

A brief review of the New York / Long Island market place conditions today compels the conclusion that WLIR is severely handicapped with the competition. How can a small Grandfathered short spaced facility survive in an environment like this. Any modification attempted by us is stymied by the competition. Then, when the Commission, the NAB and major broadcast groups realized the Class A broadcaster is unable to service his market, minor relief is adopted, but the stations that need it most are left out in the cold unable to upgrade in the opposite direction. Due to the fact their contour is totally encompassed by the grandfathered short spaced facilities contour.

WLIR does not even have the ability to negotiate a better rate for a tower location. We are forced to pay a high rate, held hostage at our current location because we are unable to modify our facility in any direction.

Circumstances have changed substantially since 1987 and the present Section 73.217(a) no longer serves the public interest. The Commission tried to foster open competition free of regulatory protections with Docket 88-375 and they did achieve that on a minor scale. Now the Commission must act and afford relief to the stations that need it most. By adopting proposal 96-120, the Commission will take the next step in this evolution and repair the problem they created by forming a sub standard Class of radio station, the "Old A". A dinosaur radio station. Unable to compete in today's marketplace.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Caracciolo", written over a horizontal line.

John W. Caracciolo

Vice President

Jarad Broadcasting Company Inc